

THE Duties of Constables,

Boorholders, Tythingmen,
and such other lowe Ministers
of the peace.

Whereunto be also adioyned the leuerall offyces of Churchwardens: of Suruoyors, for amending the high waies: of Distributors of the prouision for noysome Foule and Vermines: of the Collectors: Duerseers: and Gouvernors of the Poorer: and of the Wardens and Collectors for the houses of Correction.

Collected and penned by William Lambard of
Lincolnes Inne gent. 1583. K



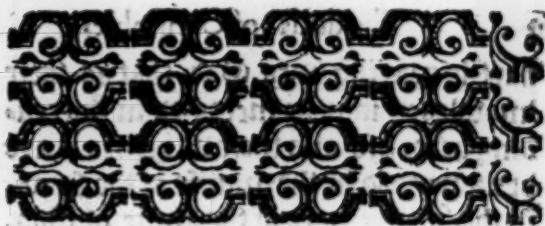
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THE
Duties of Courts

1933-1934

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THE DVTIES OF CON-
stables, Borsholders, Tythingmen,
and such other low ministers
of the peace.

1.
The pre-
face.



Understanding by sundry
friends of mine, that ma-
ny well disposed men do
earnestly wish, that some
one short and plaine col-
lection might be made of
the duties of Hyshe Constables, petye
Constables, Borsholders, Tythingmen,
Headburges, and such like inferiour
ministers of the Quenes Maiesties
peace, to the end that when any of them
should be called to any of the saide Offi-
ces (or the like) they might the better
behaue themselves in doing the same:
I haue thought it a thinge worthy the
labour, to send abroad among them this
little treatise, which I haue draughte to
satisfie in some part their honest desire.
A. G. Harry

2 The duties of Constables,

heartily praying unto God, that as their knowledge may be increased in the reading hereof, so also their diligence may be amended in the practise of the same, to the setting forth of the glorie of God, and to the advancement of the Quenes Maiesties service in this behalfe.

¶ 2 And because I purpose (by the helpe of God) to make this worke so shorte, and so plaine withall, as the matter thereof it selfe will suffer me, and as the vnderstanding of learned men doth require: I will first speake somewhat both of the sundrie names and beginnings of these officers, and then afterword I will go in hand with the parts of their severall duties.

¶ 3 The sundrie names of Constables, or high Constables that bee of Lathes, Rapes, wapentakes, Hundreds, and Franchises, and the diuers name also of Constables, vettie Constables, Tythingmen, Bozholders, Bozocheads, Headbozoes, chiefe pledges, and such othher (if there bee anye) beare office in townes, parishes, hamlets, tythings, or bozoes, (or of Constables of Castels, ortherwise called Castellanes, and such others

others I meane not to intreate) are all in effect but two, that is to say, Constables and Borsholders : for these two wordes doe containe as much as all the rest of those names, and to these two may al the rest of them be well brought: and therefore in speaking severally of these two I will passe along, and touch all the rest also.

4 The name Constable is made (as I have read) of two English wordes put together, namely Cuning or Cyng) and Staple, which doe signifie, the staye (or hold) of the king. For by the ancient custome of this realme, there is a great officer called the Constable of England, who by meanes of the great authoritie that he had, was a principall staye unto the Kings government: and this man had iurisdiction and authoritie in deedes of Armes, and in matters of war, both within and without the Realme: Out of which office, this lower Constableness was at the first drawn and fetched and is (as it were) a very finger of that same hand. For the statute of winchester which was made in the time of King Edward the first, and by which these

A.iii,

lower

13. R. 2.
cap. 12.

13. E. 1.

† The duties of Constables

lower Constables of hundreds & franchises were first ordained, doth (amongst other things) appoint, that for the better keeping of the peace, two Constables in euerie hundred and franchise, shoulde make the blew of Armour.

Sothen, the name of Constable in a hundred or franchise doeth meane, that hee is an Officer that supporteth the Duties Maieſtie in the maintenance of her peace, within the precinct of his hundred or franchise: and he is many times called the highe Constable, in comparison of the Constables, or Petty Constables that be in the townes or parishes within his hundred or franchise, whose part it is likewise to maintaine the peace within the severall limits of their owne townes or parishes.

As touching Borholders, which is the other generall name, and doth containe within it the meaning of Tryphimen, Borowheads, headborowes, Whithorowes, and chiefe Pledges, that also is made up of these two English words, Borhes, and Faldor, of the which Borhes betokeneth pledges, and Faldor signifieth the Chiefe, the Head.

of the Elder : and so Borsholder in one worde, doth meane the chiefe or head of the suerties, or pledges.

6 But now, that you may the better vnderstand what is meant by this, you must further knowe, that euery of these Borsholders, Tythingmen, Borrow-heads, Headborowes, Thirdborowes, and chiefe pledges, hath two seuerall offices at this daye : the one being his ancient and first office, and the other his latter made office.

Archaj- 7 His first office began thus: by the
onomia- ancient lawes of this realme (before the
comming in of King William the Conquerour) it was ordained for the more sure keeping of the Peace, and for the better repressing of theenes and robbers that al free bozne men should cast themselves into seuerall companies, by ten in ech companie: and that euery of those ten men of the companie, should be suretie and pledge for the soorth-comming of his fellowes : so that if any harme were done by anye of these ten against the peace, then the rest of the ten should be amerced, if he of their companie that did harme should sic, and were not soorth

comming to answer that wherewith he should be charged.

And for this cause these companies be yet in some places of England (e name-ly with vs in Kent) called Boroes of the saide word borhes, Pledges, or suerties, albeit in the westerne parts of y realme they be commonly named Tythings, because they containe (as I tolde you) the number of ten men with their families. And euen as ten times ten do make an hundred, so because it was then also appointed that tenne of these companies should at certaine times mete together for their matters of greater waight, therefore that generall assemblye (or court) was (and yet is) called a Hundred.

Furthermoze, it was then also ordered, that if any man were of so euill credit, that he could not get himselfe to be receiued into one of these Tythings, or Boroes, that the he should be shut vp in prison, as a man vnworthy to liue at libertie, amongst men abroad.

8 Now whereas euery of these Tythings (or Boroes) did vse to make choise of one man among themselves, to speak any do in the name of them all: he was there:

therefore in some places called the Tythingman, in other places the Boroes Elder (whom we now call Borholder) in other places the Borothead, or Head-boro, & in some other places the Chiefe pledge, which last name both plainely expound the other thre that are next before it: for Head, or elder of the Boroes, & chiefe of the Pledges be all one. And in some shiers, where euerye third Boro hath a Constable. there the Officers of the other two be called Thirdboroos.

9 Moreover in the Tythings (or Boroos) sundry good orders were observed, and amongst others these: first that euery man at the age of 12 yeares should bee sworn to the King, then, that no man should be suffered to dwell in any towne or place, vntill he were also receiued into some such fellowship and pledge as is aforesaid. Thirdly, that if any of these pledges were imprisoned for his offence, that then he ought not to be deliuered without the assent of the rest of his pledges, againe, that no man might remove out of one Tything (or Boro) to dwell in another, without lawfull warrant in that behalfe. Lastly that

Other orders in Tythings.

8 The duties of Constables,

that euerie of these pledges should yearly be presented and brought forth, by their chiefe pledge at a generall assemble for that purpose, which wee yet (in remembrance thereof) do call the View of Franke pledge, or the Leete court.

10 Hitherto haue I opened the ancient office of the Borsholder, Tythingman, and the rest, whereof also there is yet to this day some shewe or remnant in our Leetes or Lawdaies: but if the vertie substance thereof were thoroughly performed (as I know no let, but that by law it may) the should the peace of the land be much better maintained.

11 As touching the latter office that these Borsholders, Tythingmen, Headborers, Bozochards, Birdborers, and chiefe pledges haue, it is in manner all one with the office of a Constable of a towne or parish, which is commonly named a petie Constable, or underconstable, because he is a small Constable, in respect of the Constable of his Hundred, within whose limit he is, For as about the beginning of the Reigne of King Edward the thirde, Petie Constables were deuised in townes & parishes

for the aide of the Constables of the Hundreds: so of latter times also, Borholders, Tythingmen, Headborers, and such like, haue beene vſed as petie Constables within their owne Borrowes and Tythings. And yet not ſo vniuerſally, but that ſome of them haue at this daie none other but their olde office. For in ſome of the Weſterne partes of England, you ſhal ſee, that wher there bee many Tythingmen in one Pariſh, there onely one of them is a Conſtable for the Queene, and the reſt do ſerue but as the auncient Tythingmen did. Now therefore, hauing ſpoken of the names and beginnings of theſe inferiour Officers of the Peace, let vs alſo come to the partes of their duties.

I. I For ſo much as a great and chiefe part of the dutie both of theſe high conſtables of Lathes, Rapes, Wapentakes, Hundreds, and Franchiſes, and alſo of theſe Conſtables, Petie Conſtables, Tythingmen, Borholders, Borrowheads, headborrowes, Thirborrowes, chiefe pledges, & ſuch like miniſters, by whatſoener other names they

80 The duties of Constables,

be called in anye Townes, Parishes, Wythings, Borowes, Hamlets, or other places of the Realme, doth consist in the maintenance of the Quenes maiesties peace, wherin (as also in some other pointes) the power of them all is alike, and but one, within their severall limits and places of authoritie: therefore I thinke it good to shew, first what their common & equall duetie is in matters concerning y^e peace, either by their owne authoritie, or under the authoritie of others: then afterward to declare, what their common and like duetie is in some other things, not concerning the Peace: and lastly, to open those things wherein they haue a distinct and severall duetie one from another.

I. The Conseruation (or maintenance) of the Peace, standeth in three things, that is to say: first in foreclosing that nothing be done that tendeth either directly, or by meanes, to the breach of the Peace: secondly, in quietting or perswading those that are occupied in the breach of the peace: and thirdly, in punishing such as haue already broken the peace.

And

And here least any man should be de-
ceined in not vnderstanding what is
ment by these wordes, The breach of the
peace, he must first of all know, that by
the breach of the peace is vnderstood,
not onely that fighting which wee com-
monly cal the breach of the peace, but
also that euery murder, rape, m^aslough-
ter, and felonye, whatsoener, and euery
affraying, (o^r putting in feare) of the
Quenes people, whether it be by un-
lawfull wearing of Armour, o^r by as-
sembly of people to do anie vnlawfull
act, are taken to be disturbances o^r brea-
ches of the peace.

13 But now, for the better prevent-
ting that nothing bee done against the
peace, anye of these Officers aforesaide
maye take o^r arrest suspected persons,
which walke in the night, and sleepe in
the daye: o^r which do haunt anye house
where is suspicion of bauderie, and they
maye carrie them befoze a Justice of the
peace, to find suerties of their good beha-
niour. And if any such Officer be not of
sufficient strength to do that alone, then
maye he take meete aide of his neighbors
there to: and they in such cases, be com-
pelled

To prevent
things a-
gainst the
peace.

pelled to helpe and assist him.

Any of these Officers may also arrest such strange persons as doe walke abroad in the night season: and for that cause the said statute of Winchester doth ordaine, that night watches should bee kept yeerely, from the feast of the Ascension vntill Michaelmas, by sixe men at euery gate of euery citie, by twelue men in euerie Borough towne, and in euery other towne by sixe men, or foure men, or according to the number of inhabitants in the towne, all the night long from Sunne setting to Sunne rising: so that if any stranger did passe, he should be arrested till the morning, and then set at large (if no suspicion were found of him:) but if any suspicion fell out against him, then he shal be imprisoned till he might be lawfully deliuered. And of these watches the officers before named haue the charge within the limits (or places) of their authorities, as the Constable in his towne, the Borsholder in his Wore, and the high Constable within all his hundred: and these officers ought to see these watches duely set and kept: and ought also to
cause

cause Hue and Crye to be rayled after such as will not obey the arrest of such watchmen.

Againe, if anye person whatsoeuer (except the Queenes seruants and Officers in her presence, or in executing her precepts, or their offices, or such as shall assist them: and except it be vpon Hue and Crye made to keepe the peace, and that in places where actes against the Peace do happen) shall be so bolde, as to go, or ride armed, by night, or by daye, in faires, Markets, or anye other places: then any Constable or anye other of the saide Officers, maye take such armour vpon him, for the Queenes vse, and may also commit him to the Gaole. And therefore it shall bee good in this behalfe, for these Officers to slaye and arrest all such persons as they shall find to carrie Dags, or Pistols, or to bee apparelled with p'iaie coates, or dublets: as by the Proclamation (made in the one and twentieth yeare of the raigne of our Soueraigne Ladie that now is) they are especially commanded.

Furthermoze, if any great assembly,

St. Nor
champ.
2. Ed. 3.
cap. 3.

21. Eliz.
Reg.

17. R. 2.
cap. 8.

or rumour of people be made in manner of insurrection, then the Sherriffes, Constables, and the said other ministers, having knowledge thereof, ought to goe with the strength of the countrey, and to set themselves against it, and ought also to take and imprison such offenders.

Lastly, if any man do threaten to kill another, and he which is so threatened doe pray any of these Officers to arrest the other to finde suerties of the Peace, then may such an Officer arrest him to finde such suertie before a Justice of the Peace, and may also carrie him to prison if he refuse to find it.

To pacifye
and punish
the breach
of peace.

14 Thus much I have spoken of. H. 7. 7
those thinges which doe bend towardea
the breach of the Peace: but now I will
come nearer to the breach it selfe, and
withall to the pacifying and punishing
of the same.

If therefore a Constable, or anye o-
ther of the saide Officers, shall see anye
men going about to break the Peace, as
by using hot words, by which an Affray
is like to grow, then ought such Officer
to command those persons to avoide up-
on paine of imprisonment: and if they
wil

will not depart, but shal draw weapon,
or give any blowe, then ought he to doe
his best to depart them, & to keepe them
in sunder: and he may (for that purpose)
both use his owne weapon, and may al-
so call others to assist him. In which do-
ing, if any such officer, or other person
comming on his part, doe take hurt, hee
shall haue good remedie by action against
him that did the hurt: but if anye of
them that made the Affray, be hurt by
such officer, or by any of his companie,
then such a hurt person hath no remedie
at all for it.

And if he that maketh an Affray doe
flie into an house, when such an officer
commeth to arrest him: then may that
officer breake open the doores to take
him: and if he that made the Affray doe
flie from thence also, yet may the Offi-
cer followe him, and in fresh suite take
him, though it be in another Shire or
Countie.

So, if two men be fighting together in
a house (the doores being shut) yet may
such an Officer breake open the doores,
to cause the peace to be kept, though
none of the parties haue taken hurt.

¶

And

3. H. 7.
cap. 10
4. H. 7.
cap. 21

3. Ed. 4
cap. 9.

And in both those causes, such an officer may carrie them befoze a Justice of the Peace to finde suertie for the Peace, because they have broken the peace already, and are mate to be bound that they shall not thenceforth breake it againe.

But if any of the parties to an Affray have receiued any dangerous hurt, then ought such Officer to arrest him that did the hurt, and to carrie him to the Gaole, there to remaine till he finde suertie to appeare at the next Gaole deliuerie: otherwise he may with lesse labour carrie him to a Justice of the Peace, who ought to take order for such suertie, because the fact may fall out to be felonie, if so be that he which was hurt doe happen to die within one yeare and a day next following such hurte done.

And as these Officers ought to arrest those that doe make Assault vpon any priuate persons, so also may they arrest any such that shall make assaulte (or Affray) vpon themselves whilst they be in doing their offices: and may for that purpose both lawefully defende themselves, and also take the offenders and commit them to the Gaole, or carrie

72. Fir
28 Ed
6 & 22
H. Af. 5

H. 5

Borholders, Tithingmen, &c. 17

ris them to a Justice of the peace, for the finding of such suertie as is aforesaid.

But if one doe assault a man, in, or nigh the high way, to rob him, and be taken by the true man or by any other, and be brought to the Constable, or such other Officer of the place: then ought such Officer, not onely to take him to his Ward, but also to carrie him before a Justice of Peace, to cause him to give suertie of his Good abearing.

So, if any man do suspect another of Murder or Felonie, and doe declare the same to any such officer of the place, the such officer may arrest the suspected person, and he shall doe well to carrie him to a Justice of the Peace, together with him that doeth suspect him, to that end that they both may be examined as appertaineth. And any of the said officers may search within the limits of his authoritie, for any persons suspected of Felonie: for it is a chiefe parte of their office to repressse felons.

And therefore any of these Officers may (of his owne authoritie) arrest one that is indited of Felonie: So, if the common voice and fame bee, that A.B.

By, bath

hath done a felonie, that is sufficient cause for any of these Officers (that shall thereof suspect him) to arrest him for it.

And I like well of their opinion which doe holde, that if information be given to any such Officer, that a man and a woman bee in adulterie, or fornication together, then the Officer may take companie with him, and that if he find them so, he may carrie them to prison. 1.H.7.7

But this is to be marked, that in the cases before, and such like, where such an Officer hath arrested, or hath in his ward any offender that ought to be carried to the Goale, there such an Officer is not bound forthwith to carrie him, but may wel for a reasonable time kepe him in the Stockes, untill that convenient provision of strength may bee made to conuey him safely thither. And when he shall bring such offender to the Goale, then ought the Goaler to receiue the same fraile, without taking any thing of the Officer for it. 3.H.4.9
22. E.4.
cap.35.

Seruing
o' pre-
cepis.

I 5. Hitherto (as you see) I haue spoken of the Constable, and of these other Officers, so farre onely as they haue authority. 4.E.d.3
cah.10

thoritie by their owne offices, without any commandement from others. But forsomuch as a great part of their dutie (concerning the peace) resteth in the making of due execution of the preceptes of higher Officers, and specially of the Justices of the peace, who be (as it were) immediately set ouer them, let vs also see after what maner these Constables, and other the like inferiour ministers of the Peace, ought to behaue themselves in that behalfe.

Albeit then, that these said officers be subiect to the commandementes of the Justices of Gaale deliuey, and of Oier and Terminer, and of some higher Iustices, yea, and to the preceptes of Coroners also, and of other Officers, in some certaine cases. yet because most commonly they are called vpon by the Justices of Peace, they ought specially to shewe themselves obedient to their preceptes, and may not dispute whether their commandements be grounded vpon sufficient authoritie, or no: as knowing that although a Justice of the Peace (which is a Judge of Record) shoulde direct a Warrant beyonde his authoritie to a

B.ij.

Constable

14.H.8.
cap.18.
21.H.7.
cap.22.

d.3
10

Constable, or one other of the saide Officers, yet shall such Officer be holden excused for executing the same, howsoever that Justice of Peace himselfe be blamed for it.

If therefore a warrant for the Peace, or good abearing, happen to be directed to any of the saide Officers, then ought he with all speede and secrecie to finde out the partie : and then also may he laie his handes vpon him, and shew him the matter, and require him in the Quenes name to goe with him to put in suertie according to the Warrant

And this if the partie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conuey him to Prison, without carrying him to any Justice : in which doeing, if the partie shall offer any resistance, or shall seek to escape, then may also such Officer iustifie the beating, or the hurting of him. 21. H. 7.
cap. 39.

But if the partie shall yeeld to go and giue Suertie, and yet will not goe to such Justice as made out the Warrant, but to some other Justice, then ought such officer to giue him that libertie, so that 21. H. 7.
cap. 39.

that it be not farre out of the Limit, for
 else so great trauell might followe vpon
 the Officer, or rather he than the offen-
 der, might seeme to be punished by it.

And here the Officer must take re-
 gard and consider whether the warrant
 doe come directly from the mere autho-
 ritie of the Iustices of Peace, or else be
 grounded vpon a writ of Supplicauit
 sent downe from higher authoritie
 which difference ought to appere plain-
 ly in all warrants that be well and or-
 derly made.

And if the warrant
 be grounded vpon such a Writ, then
 may such Officer compell the partie to
 goe to the very same Justice or Iustices
 of peace that made out the warrant and
 otherwise he may carry him to Prison,
 as is said before.

Neither is it requisite, that such an
 Officer should dance vp and downe af-
 ter the partie as many vse to doe vntill
 he can finde out suerties: but he may
 lawefully keepe him, vntill that he can
 get suerties to come vnto him: the igno-
 rance of which point is the cause, both
 that many an euill man escapeth, & ma-
 nie an honest officer is punished for it.

But here it happeneth many times, that the partie (hearing that the peace is graunted against him) offereth him selfe with suerties, for that cause vnto some other Iustice of Peace, or findeth such suertie in some of the Courtes at Westminster, and so hath a Superfideas ready to shew such Officer, as cometh to him with a warrant as is aforesaid.

Now if that be so, then is the Officers discharged thereby, and ought not any further to molest the partie. But yet it shall be good, that such officer doe keepe the Superfideas for his better discharge: least other wise he be called to accounte for not seruing the Warrant that was sent vnto him.

If a warrant be directed to a Constable, or such other Officer, to arrest one that is indicted of Felonie, then may such Officer in case the killing of such a partie, if it be so, that he cannot otherwise take him: or if it be that he resist, or flee when he is taken.

Finally the Constable or such other of the said Officers having arrested him to be conueied to the Gaole, must take good harte, that he doe not willingly, or negli-

2. lib.
All. 55.
Co 1261
288 328
en Fitz.

negligently, suffer such partie to escape from him. For, if the arrest were for Felonie, then by a willing escape the Officer himselfe becommeth a Felon also. And of whatsoener other kinde the offence be, if the Officer doe, by his will or negligence, suffer the party to escape from him, he shall be fined for it, according to the qualitie of his fault, by the discretion of those that shall be Judges of it. And least any such Officer should flatter himselfe in thinking that he may passe through with some easie Fine, I let him knowe, that the Judges of his fault may set his fine, equal with the value of all his goodes, if in their discretions the same doe require.

ii H. 4.
cap. 12
stat. 35

16 Thus haue I performed the first The equal du-
part of my promise, and haue shewed, ty of these
what is the equall and like duetie of Officers,
uerie of the laide Officers in matters in mat-
concerning the Peace, both by their ters be-
owne authoritie and also in doing the does the
Peace.
comandements of the Iustices of peace:
now therefore I must go forward to the
second part of my purpose, and am to
declare their like duetie in other points
of seruice, that doe not concerne the
Peace

24 The duties of Constables,

Peace. For equal power is indifferent, by geuen to any of these Officers by some Statutes of the Realme, whereof these that followe be chiefe.

Attendant
for the exe-
cution of
statutes.

17 All Constables, and other the said Officers ought to be attendant, aiding, and assisting to the Justices of Peace, for the execution of all & euery the actes (made in, or before the Parliament, holden in the 33. yere of the raigne of King Henrie the eight) concerning Retainers, going of Lineries, Maintenance, Embracerie, Bowellauers, Archerie, vnlawefull games, Forestallers, Regrators, Vittaille, Vitalers and Inholders, or any of them, vpon paine that the said Constables, and other the said Officers shall make such Fines, as by two of the said Justices of Peace shalbe assessed.

33.H.8
ca.30 &
37.H.8
cap.7.

18 All Constables, and other the said Officers within London, or within seauen miles thereof, ought (vpon request made to aide and assist the President of the Colledge of of y^e Physicians in London, and other persons authorised for the due execution of the Statutes made concerning physicians and Apothecaries and

and Surgeons.

23.H.9. 19 If any person shall without law
cap. 14. full bargaine purvey or take any thinge
of any of the Quenes liege people, to
the vse of any (other then of the Quene
and her house (and thereof notice be gi
uen to the Constable, or such other Of
ficer of the place, then such officer ought
(vnder the paine of twentie pound) to
arrest such Taker, and to carrie him to
the next prison.

28.H 6 No Purveyor for the Quene ought
ft.2.c.2 to take any horse or cart, but by the de
liverie of the Maior, Baliefe, Constable,
or such other officer of the place whence
ihat taking shall be.

15.ed.3 Corne ought to bee taken for the
cap. 1. Quenes house, by striked measure of
36.ed.3 eight bushels to the quarter, according
ft.1.c.2 as is vled throughout the land: and the
takers of all thinges to be taken for the
Quenes house, shall make their pur
uenance by the very values thereof, by
the view of the Constable, or other
such Officer, and by appraisment vn
der oath of foure other good men of the
Towne where the taking shall be: and
such taking shall be made without dri
ving

26 The duties of Constables,

ning the p^risore by compulsion, mena-
cing o^r other villanye, to set anie other
p^rice then their oath will, and as com-
monly runneth in the markets.

Takers, Under-takers, their Depu-
ties, o^r seruantes, shall not take anie
Beefes, Weathers, Lambes, Calues, o^r
any kinde of Saltfish, o^r any kinde of
graine, o^r any Butter in any vessels, o^r
Cheese, Bacon, Conies, Pigs, Gease, Ca-
pons, o^r Hens, but by Commission, and
a Blanke thereto for that shire annexed:
in which Blanke the said seuerall things
so to be taken, and p^rises of them shall
be writtten, & to which Blanke, the High
Constable, Petie Constable, o^r Headbo-
row of the place where any such taking
shall be, ought to subscribe his name, o^r
signe manuell: And such Taker ought
then also to make a Briefe o^r Docket in
writing subscribed with his name, con-
cerning euery of the saide thinges so ta-
ken in euery place: and ought then also
(vnder the paine of a Hundred Marks)
to deliuer the same to the saide High
Constable, Petie Constable, o^r Headbo-
row, who also ought to deliuer it ouer
to the Iustices of peace at their next ge-
nerall

2. & 3.
& Mar.
cap. 6.

14
ca

nerall Sessions within that countie.

10. Ed. 3 20 In the takings for the Queenes
cap. 1. house, Tailes (or Indentures) ought to
be made and lealed, betwene the taker
and the owner (in the presence of the
Constable, or such other officer, and the
preisors of the place) by which Tailes
(or indentures) satisfaction ought to be
made to the owner, for his thinges so ta-
ken.

20. H. 6 21 If any Taker will make puruei-
cap. 8. ance of any thing (not exceeding the va-
lue of pl.s.) and make not readie pay-
ment in hand therfore, it is lawfull for
the owner to retaine the thing so taken
and to resist such purueiance: and the
Constable, Tithingman, or chiefe pledge
of the place (being thereto required by
the owner) ought to aide and assist such
owner in making such assistance, vnder
paine to yelde vnto him the value of the
thing taken, & his double Dammages.

Rogues.

14. Eliz 22 If the Constable, Tythingman, or
cap. 5. such other officer, of any place, be negli-
gent, and doe not his best indeuour, for
the apprehension of all sturdie Rogues,
or vagabonds, that shall beg, wander, or
misorder themselves within his autho-
ritie

ritie, and for the bringing of them before a Justice of Peace, but shall suffer any such to escape, then shall such Constable, or Officer, forsaith vs. vii. d. for

Coroners. euery such Rogue.

23 All Constables, and other the said Officers must bee attendant vpon Coroners, for the abiding and conueying of such persons, or shal take the Churchyard as a Sanctuarie, for safegarde of their liues, by occasion of any Felonie by them done.

24 All these things heretofore rehearsed, whether they concerne the preservation of the Peace, or any other matter besides the Peace, may & ought to bee done and executed indifferently (as I thinke) by any of the saide Officers within the precincts of his authoritie: that is to say, as well by the high Constable of the whole hundred or franchise, within his hundred or franchise, as by the Constable, petty Constable, Tithingman, Borholder, Boroehead, Headboroe, Thirdboroe, or cheife Pledge, within his Towne, Parish, Tithing, Boroe, or Hamlet: and that so, as none of them hath more power of office

21. H 8

cap. 2.

22. H 8

cap. 4.

32. H. 8

uap. 3.

4. H
cap.

lice therein the other although some of them haue longer limits of place the rest.

High Constable of a Hundred.

But now we I am come to such thinges as doe seuerally belong to some of these Officers, so as the others may not meddle therewith (which is the thirde part of my promise) and therefore I will take that in hand also: and because the Constable of the Hundred, or franchise, is the greatest of these Officers, both in respect of his larger precinct of place, and also of the higher trust that is committed vnto him, I will begin at him whome, as he is not by and by set alone, but is for some matters no further authorized then some other of the sayd Officers. so I will first begin at those, and then come to the rest that belong onely to himselfe.

4. Eliz
cap. 5.

25 The money appointed to be lent by the Churchwardens of every parish ech Sunday for the reliefe of Prisoners in the Gaole, ought (vnder the paine of fine l.) to be paid by them once euerie quarter of a yeare to the high Constable or head Officers of every Hundred, Tithing, wapentake, Towne, or Parish: and

and the said High Constables, or head-Officers ought (vnder the paine of s. l.) to paye ouer the same moncy so to them paid, at the next quarter Sessions of the Peace, to such person as shall be appointed by the Iustices of Peace to receiue the same.

26 If any person lawfully appointed by the Iustices of Peace to bee Collector for the poore, shall refuse to accept it, or accepting it, shall be negligent therein, he shall lose to the poore of that place for the Willings, which shall bee leuied by distresse, or recoverie by action by the high Constable, or Tythingman of the place: who also, if hee be negligent, or refuse so to sue within twoo monethes next after such default, shall lose five pounds.

It seemeth to me, that in these two cases next aboue, the words, high Constables high Tythingmen, and head-Officers doe exclude Petie Constables, Borsholders, and such like to meddle therein: by cause none are called High: or Head, but in comparison of Lowe and Base, Powe therefore, I will speake of matters concerning the high Constable of the

Collector
for the
poore.

High
Constable
alone.

14. Elin
cap 5.

the hundred alone.

Eliz.
ap. 4.

27 High Constables of Hundreds in all such shires, where Petie Sessions for seruants and labourers (otherwise called Statute Sessions) were vsed to be kept, before the first daye of the Parliament holden in the fift yeare of the raigne of our gracious Quene Elizabeth may yet still holde their said Sessions so that nothing be done in them, repugnant to the statute of labourers and seruants made in the same Parliament.

3. E. I.
Ra. Wy

28 The Constables of Hundreds, and of Franchises, ought to make presentment to the Iustices of Peace, and to al other Iustices thereto assigned, of the defaults of watches, and of the defaults of the Quenes highwates not enlarged, so as no ditches, underwood, or bushes bee within 200. foute on euerye side of the same, and also of such as lodge straungers in vplandish townes, for whome they will not answer.

29 The Constables, or Tythingmen of euerye Hundred, Rape, or Wapentake, in which any abiding place to set the poore people in, shall bee appointed

C

by

by the Iustices of Peace, shall once euerie moneth/under the paine of ^{twentie} Shillings) make a view and search of all the aged, impotent, and lame persons, within their authoritie, and all such as they shall finde, not being borne, nor within thre yeres next befoze dwelling within that diuision (except leproous and bedred persons) they shall presentlye see conueyed, on horsebacke, in cart, or otherwise by their discretions, to the next Constable, and so from Constable to Constable, the directest way, till euerie of them bee brought to the place where he or she was borne, or most conuerfant by the space of thre yeres next befoze, there to remaine in some such abiding place, or otherwise to be prouided for.

30. Estreats indented ought to bee made by the Clarke of the Peace, and by Stewards of Leetes, of all forsaiteurs resting in the Sessions of the peace, or in Leetes, vppon the Statutes of hyghe waies: of which estreats, one part ought to bee deliuered yearelye within fire weekes after Michaelmas, to the Bayliffe or high Constable of the hundred, Lathe,

High
waies.

Lathe, or Mapentake, wherein the default was committed, and the other part of the Constable and Churchwardens of the parish in which the default was made, to the intent that such Bailiefe, or chiefe Constable, may thereby leuie by distresse, the same forfeitures, or the double thereof (if no distresse can be found, or if such forfeitures bee not paid within twentie dayes after a lawfull demand of the same by the saide officer) and to the intent also that the said Constable and Churchwardens of the parish may thereby cal the said Bailiefe or High Constable to account before two Iustices of the Peace (the one beeing the Quorum) betwene the first day of March, and the last of Aprill yereley for the said forfeitures, which ought by the said Churchwardens to be bestowed on the highwates in their parish. And vpon such accout, euerie such Bailiefe or high Constable shal haue for their paines viij pence of euery pound leuied and paid by him, and may also reteine xij. pence for the fee of the cleрке of the Peace, or Steward of the Lette, for euerie such Estreate by any of them deliuered, as

2 The duties of Constables,

is aforesaid,

31 Next after the Constable of the Hundred, Wapentake, or Franchise, followeth the Constable of a Towne, who is so ne-where called a High Constable, for that he hath there a Petite Constable vnder him, and is sometimes also termed a Head Officer, because in some Corporate Townes Constable is parte of the name of their Incorporation.

And now also because there be sundrie thinges that are by the Statute Lawes indifferently referred to him, or to the Tythingman, Borsholder, or such other inferior officer of the place: therefore I will first set downe those, and then afterward speake of the rest that are committed to him only and to none of them.

32 No person retained in husbandry, or in any the artes appointed by the Statute of Laborers (made in the fifth yere of our Soveraigne Lady Queene Elizabeth) may depart, after the time of such reseinour expired, out of the towne or parish where he last served, to serve in another, unless he have a Testimoniall vnder the seale of the Constable, or other such Officer, and of two other ho-
nest

5. Eliz.
cap. 4.

5.
ca.

most householders of the towne or parish where he last served, according to this forme: Memorandum, that A. B. late servant of C. D. of E. in the Countie of K. Husbandman, or Tailor, &c. is licensed to depart from his saide Maister, and is at his libertie to serue else where, according to the statute in that case made and provided. In witnesse whereof, &c. dated the day, moneth, yeere, and place, of the making thereof. Which Testimoneall, the Parson, Vicar, or Curate, of the parish where such Maister, Mistresse, or Dame doeth dwell, ought to register, taking onelye y. d. therofore. And if such persons be accepted into any other service, without shewing such Testimoniall to the Constable, or such other Officer, Curate, or Churchwarden, of the place where he shall be accepted, he shall be imprisoned till he procure such a Testimoniall, which if hee doe not within 21. daies next after the first day of his imprisonment, he shall be whipped as a vagabond.

33 In the time of hay, or cornharvest, the Constable, or such other Officer of any township, upon request made

C. iiij

and

36 The duties of Constables,

and for avoiding the losse of any corne, graine or hae, may cause all such artificers and persons (as be mete to labour) by his discretion to serue by the day for the mowing, reaping, shearing, getting, or inning of corne, graine, or hay, according to the skill and qualitie of the person: and if any such person shall refuse so to doe, then ought such Officer (vnder the paine of fortie shillings) to imprison such refuser in the Stockes; by the space of two daies and one night.

18. Eli.
cap. 13.

Rogue.

34 Euerie Rogue that shall be apprehended, ought to be conueied (from the Justice of Peace before whome hee shall be brought) by the Constable; or such other Officer of the parish where the apprehension shall be, but onely to the Constable, Tythingman, or other such Officer of the next Township, or parish, in the next hundred, and so from one hundred to another, by the Constable, or such other Officer of euerie such Township or parish which shall be next in euerie such hundred, the direct waie, until they shal come to the Gaole or prison appointed for such Rogues: vnder the paine of vj. s. viij. d. for euerie default of

Borsholders, Tichingmen, &c 37
of such Constable or officer.

35 The Constable, Borsholder, or other such Officer, and the Churchwardens of euery Parish, ought yereley upon the Tuesday or wednesdays in Easter waie, to call togither a number of the Parishoners, and to chole two honest men of the Parish, to be Surueysors of the wayes for amendment of the high wayes within their Parish leading to any market towne: and ought them also to appoint fixe dates for the amendment of those high wayes before Midsummer then next following: and ought openly in the Church the next Sunday after Easter, to geue knowledge of the same fixe dates.

They also ought to haue one part of the Estreates indited, and may call the Bailieff or high Constable to Account, concerning the forfeitures for default of amending highwayes, as hath already appeared before. And they also or any of them, may leaue by distresse, and by sale of such distresse, all summes of money forfeited for any cause within the Statute of Highwayes made in the eyghtenth yere of the Quenes

C. liii.

Pat.

28. 7.
R. & A.
ca. 8. &
5. El. 3

Maies tie that now is (if so bee that the Suruisors of Highe waies shall not before haue leuied and imployed the same within one yeare next after the offence committed) & shall yeld account thereof before two Iustices of the Peace, as is afoze shewed.

18. Eliz.
cap. 9.

36 These things last afozesaid, doe (in mine opinion) pertaine as well to the charge of a Tythingman, Boztholder, Headbozoe, Chiefe pledge, or such other inferior Officer of a Towne or Parish, as they doe to the Constable of such a towne or Parish, that hath any of those other Officers, there vnder him. But some other points of charge there be, that belong to him only, and to none of them: as for example.

37 Cuerie citie, Borough, and market town, that haue a Constable, ought also to haue common measures sealed, and also common weightes sealed, at which the inhabitants maye freely weigh.

14. H. 6
cap. 5.

38 If any wolle or other merchandise, be shipped to the staple, in any suspected place adioining to the coast of the water, then Indentures ought thereof to

to be made betwene the owner, and the
 Mayor or Constable of of that place : or
 otherwise such merchandize shal be for-
 feited.

39 The Mayor, Shirifes, Bailifes,
 Constables, and other head Officers
 within euerie Citie, Borough, & towne
 within this Realme, where anye such
 Officers be, ought vnder the paine of
 xli.s. for enery default, once euerie mo-
 neth at the least, to make search (aswell
 within liberties as without) in all pla-
 ces where anye vnlawfull games shall
 be suspected to be kept, and maye arrest
 and imprison aswell the keepers of such
 places, as the haunters to the same, till
 they be bound no moze to keepe & haunt
 such places. And if any such head Offi-
 cers, shal finde or know, that any artifi-
 cer, craftsman, husbandman, appren-
 tise, labourer, seruant at husbandrye,
 iourneyman, or seruant of artificer,
 or that any mariner, fisherman, water-
 man or learningman, doth play at the ta-
 bles, dice, cards, tennise, bowels, clash,
 coiting, logating, or any other vnlaw-
 full game, out of Christmas time, or out
 of their Bailiffs house or presence in
 the

33. H. 8.
 cap. 9.1

44 The duties of Constables

the Christmas time (vnlesse it be by the
licens of such Masters as hath 100. l.
by the yeare, or aboue. and then also that
playing be within the pꛛecinct of such
masters house, garden, or orchard) then
such head Officer may commit such of-
fender to ward, till he will be bound by
Obligation to the Quenes vse (in such
summe as the discretion of such Offi-
cer shal be thought reasonable) that hee
shall not from thenceforth vse such vn-
lawfull games.

40 Those foure Iustices of Peace,
that be authoris'd by the Statute to ^{22. H. 8.}
make taxation of money for the amend ^{cap. 5.}
ment of any decayed bꛛidge in the high
waie, ought to make that taxation, by
the assent of the Constables, or of two of
the most honest inhabitants of euerie
towne and parish.

41 In all Cities, Boroughes, and
townes, wherein no wardens of Col-
pers be, the Maiors, Sherrifes, Bailifes, ^{23. H. 8.}
Constables, or other head officers there ^{cap. 4.}
haue power to search, view, and gauge
barrels, kilderkins, firkins, and other
vessels, to be made there, and to take
such aduantage therby, and in such ma-
ner,

Worsholders, Tithingmen, &c. 41

ner, as the Wardens of Cotwepers within the cittie of London maye take on euerie behalfe.

42 The Maiors, Shiriffes, Constables, and other head Officers of anye place to which woollen hats, bonnets, or caps, (being made out of this Realme,) hats and caps, shalbe brought, ought (vpon knowledge thereof to them to be given by the Customier of such place, or his deputie) to toine with such Customier, or deputie in the sale of such hats, bonnets, or caps, for such pylls, as by the statute are admitted: vpon paine to forfeit twentye pounds for euerie time that they shal be remise in that sale.

43 In all these cases also, laste before rehearsed it seemeth that Worsholders, Tithingmen, Headboroughes, and other such being in townes and Parishes, vnderneath Constables, that lye there cannot meddle: because such constables be (in comparison of them) called head officers.

Now therefore vpon all the whole discourse before written, it may wel appear that Worsholders, Tithingmen, Headboroughes, Worshheads, Thiroboroughes, and

21. H. 8.
cap. 9.
1. Mar.
Parl. 1.
cap. 11

24 The duties of Constables,

and chiefe pledges, whether they bee there the onelie Officers for the Peace, or be vnderneath Constables, may with in their Wozowes, Eythings, or Hamlets, doe many things that the others may doe: and that there are manie other pointes, which those other Officers may doe, and wherewith those Wozholders and the rest cannot meddle at all: And therefore to auoide idle repetition of matters already spoken, I say shortly, that if an vnder Wozholder, Eythingman, Headwoze, Wozthead, Thirdbwoze, or chiefe pledge, will see what belongeth to him to doe, he must looke befoze vpon all such cases: where his power is declared to be equall (for those pointes) with the power, either of a High Constable of the Hundred, or a Constable of a towne or parish, for in all such things he hath to deale as well as they: but where any thing befoze is shewed to appertaine onely to the High Constable of a Hundred, or onely to the Constable, or chiefe or head Officer of a towne or parish, there such a Wozholder, Eythingman, or anye of the rest hath nothing to doe with it.

And

And thus, hauing opened, so shortly,
and plainly, as I could the duties of all
these saide ministers of the peace, I do
shut vp this woꝝke: desiring those that
shall take any profite of this labour, to
yelde thanks to God the most liberall
giuer.



For the more ease of euery of these
Officers, in finding out of that which
belongeth to them, I haue deuised this
Treatise before into thre and fortie Ar-
ticles (or partes,) by which each of these
Officers may readily come to all that
which belongeth to his owne charge, if
he will marke this Table, followeing:
foꝝ.

The High Constable of the Hundred,
Franchise, or Wapentake, hath to deale
with all those matters that bee con-
teined within any of these Articles, that
is to say.

Articles

44 The duties of Constables,
Articles concerning

3. His name.

4: His beginning.

11.12.13. The Peace to be kept, and

14.15. serving of Warrants.

16.17.18 Executions of Statutes :

19.20.21 Whistitions : Burneioys :

22.23. Rogues : Coronors.

24.25. 6. Prisoners : Poore : Petie

27.28.29. Sessions : Watches :

30.43. High waies : Poore:

 highwaies.

The Constable of a towne, or Pa-
rish hath his parte in all such things as
be expressed in anie of these Articles:

Articles concerning

4. His name and beginning.

11.12.13, Keeping of the Peace.

14.15.15 Serving of Warrants:

17.18.19. Execution of Statutes:

20.21. 22: Whistitions. Burneyoys:

23 Rogues: Coronors.

Prisoners

Borsholders, Tithingmen, &c. 43

24.25.26. Prisoners : Collectors for
31.32.33. the poore : Seruauntes
34.35.36. or labourers : Rogues:
37.38.39. Highwaies : Weights
40.41.42. and measures : Per
43. chandise : Unlawefull
games : Bridges : Tels
sels: Hats and Caps.

And euery Borsholder, Tythingman,
Bozo ehead, Headbozoe, Thirdbozoe,
a. to chiefe pledge, may for his Bozoe, or
Tything, learne his Office by these Ar
ticles.

Articles concerning
5: His name : Beginning
6.7.8.9. first Office : latter Of
fice.

10.11.12. Keeping of the Peace:
13.14.15. Seruing of warrants.
16.17.18. Execution of statutes:
19.20.21. Whistians : Purney
22.23. ors : Rogues : Cozo
31.32.33. ners.
34.35.36. Seruants and labourers;
43. Rogues : Highwaies.
The

THE DVTIE OF CHVRCHWARDENS.

When I passed through some
of the Statutes before, con-
cerning the Offices of Consta-
ble and Tithholder, I founde them
mingled with diuers duties pertaining
to the Churchwardens of Parishes: the
Surveyors of the high waies: the Di-
tributors of the psonis for the destruc-
tion of Uermine: the Collectors and Di-
nerseers for the poore: and the War-
dens and Collectors for the houses of
Correction: whereby I was also mo-
ued to adde somewhat of these Offices;
the rather because I was perswaded,
that with that little moze of labour, I
might doe a great deale moze of good,
seeing that thereby the plaine countrie
man should (after a sort) bee furnished
with all manner of vnderstanding (in the
temporall law) needefull for the exercise
of any of those offices that may lightly
fall vpon him.

First therefore, I will speake of the
Churchwardens office, but that so farre
forth

forth onely, as the common lawes and statute lawes of the Realme do leade me: knowing that such other partes of that office, as doe rest vppon the lawes ecclesiasticall, be from time to time sufficiently both taught and called vppon by those that haue the execution of the same.

These Churchwardens of parishes, Office of Churchwardens by the common lawe
 be taken (in fauour of the Church) to be for some purpose or manner of corporation at the common lawe: that is to say, Parsons enabled by that name, to take mouable goods or cattelles and to sue, and be sued at the lawe, concerning such goods for the vse and profite of their parish. And therefore a man maye well in his life time giue, or by his last will bequeath money, or other mouable things to the Churchwardens, or to the Parson of a Parish, either for the reparation of their Church, or towards the buying of bookes, communion cuppes, linnen cloathes, or other decent ornaments or furniture for the Church. Which manner of gift is so much fauoured in the lawe, that it is not altogether needefull, in such a gift, for a man to

D. i.

ble

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ble to expresse words or writing. For if a man do buye a bell, and doe hange it vp in the Steeple, he doe make a Pewe, and doe set it vp in the Church, and doe neither make any worde or writing thereof: yet is this Bell, or Pewe, by this dedicated or given to the Church.

11.H.4.
cap.12.
8.H.7.
cap.12.

2 Now, although Churchwardens shall haue none Action at the common lawe to recouer a legacie, or such other thing which they neuer had: yet neuer the lesse, if any such goods, or ornaments of the Church be once in their possession and custodie, then shall they maintaine an Appeale of Roberie against him that stealath the same, or an Action of Trespasse against him that shal wrongfully take them away (though it be the Vicar, or person himselfe) and the damages that they shall recouer thereby, shall be to the vse and benefite of the parish and not to their owne vse. But if those Churchwardens (from whome the goods were so taken) shall happen to die, before anye Action by them brought for the goods, yet shal the next Churchwardens haue Action for the

37.H.6.
30.E.3.
11.H.4.
cap.12.
8.E.4.6

Fitz. na.
br. 91.K
mes. 19.
H.6.66
ad. cos.

26.
cap.

And forasmuch as these Church-wardens be officers, put in trust for the behoofe of their parish, therefore also

They may
not waste
the church
goods.

newe: which newe Officers may (by Ac-
tion of account) call to account the for-
mer Churchwardens, and shall thereby
compell them, both to giue reckoning
of their doings during their office, and
also to make satisfaction to the vse of
the Parish for the harme that it hath re-
ceiued by their fault. And although the
vlage & custome of the Parish bee, that
the Churchwardens there shall con-
tinue in their Office, by the space of one
whole yeare, or two yeares, or more (as
indeed som parishes haue such customs)
yet vpon such, or the like misdemeanors

They may
be removed,
and
brought to
account.

த.ர.

found

found in them, may the parishioners at all times procede to an election of new Churchwardens, and may remoue the olde., so that otherwise they haue no meane by our Lawe to call them to their Account, but by such as shalbe put in their place, Nevertheless, those former Churchwardens shal (vpon the making of such their Account) haue allowance of all needefull summes of money, or other things, which they haue expended, either vpon the reparation of the body of the Church, or for the prouision of meet and lawfull ornaments, or other furniture of the Church or parish: because they are compellable (by the ecclesiasticall Lawes) so to lay forth the goods of the parish committed to their custody and charge. They shall haue allowance also (vpon such their Account) of the money paid by them for release of prisoners in the common Gole, by vertue of the Statute 14 Eli. cap. 5. and of whatsoener other thing that they are by Lawe chargeable to doe.

They haue
not to doe
with laces,

4 This (in effecte) is the power and charge that the common Law both giue to Churchwardens: so, as touching any estate

Borholders, Tithingmen, &c 51

estate in Landcs, or the profitcs of any
lands Churchwardens haue not to med-
dle at all: insomuch, that if the walles,
windowes, or doores of the Church, be
broken, or the trees in the Churchyarde
be cut downe, or the gresse therof be eat-
ten vp, then the Parson, or Vicar (and
not the Churchwardens) shall haue the
Action for it: becaule Churchwardens
are not by Lawe allowed to be a Cor-
poration for any other thing, then for
moueable goods onely. Now therefore
I will shew how their office is increas-
ed by a fewe Statute lawes, that doe
concerne the same.

Church-
wardens
office by the
statute.

5 All persons inhabiting within the
Queenes Maiesties dominion, shall dili-
gently and faithfully (hauing no lawfull
or reasonable excuse to be absent) ende-
uor them selues to resort to their parish
Church or Chappell accustomed, or (vpon
reasonable let thereof) to some vsual
place where common prayer and such
seruice of God (as is containd in the
booke of common payer) shall bee vsed
in such tyme of let, vpon euery Sunday
and other daies ordained and vsed to be
kept as holy daies: and then and there

Repaire to
the Church

Dij.

10

11 H. 4.

cap. 12.

12 H. 7

cap. 27.

13 H. 7

cap. 9.

1 Eliz.

cap. 7.

15 Eliz.

cap. 12.

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to abide orderly and soberly, during the time of the common prayer, preaching, or other service of God, ther to be used and ministered, upon paine of punishment by the Censures of the Church, and also upon paine that euery person so offending shall forfeit for euery such offence xx. s. to be leuied by the Churchwardens of the parish where such offence shall be done, to the use of the poore of the same parish, of the goods, landes, and tenements of such offender, by way of distresse.

Highwaies

6 The Constables and Churchwardens of euery parish shall yeerely upon the Tuesday or Wednesday in Easter weeke, call together a number of the parishoners, and shall then elect and choose two honest persons of the parish to bee Suruicioys and orderers of the works for one yeare for the amendment of the Highwaies in their parish, leading to any Market Towne: which persons shall take upon them the execution of their said offices, upon paine, euery of them making defaulte to forfeite xx. s. And the said Constables and Churchwardens shall then also name and appoint

2. & 3. Mar.
& Mar.
cap. 8. &
5. El. 13.

point five daies for the amendment of the said highwaies before midsummer then next following: and shall openly in the Church the next Sundaye after Easter geue knowledge of the same five daies. And they also ought to haue one part of the Cōtreates indented, and shall call the Constables to account, &c. as it doth appeare before in the 30. Article of the Constables office.

See after also in the office of the Surueyors of the high waies for leuying those forfeitures by the Churchwardens, if the Surueyors shall not leuie and imploy the same within one yeare after the offence committed.

7 If any person within this Realme shall (without lawfull license) eate any flesh vppon any daies nowe vsually obserued as fishdaies, or shall vpon any Wednesday nowe newlye limited to bee obserued as Fishdaies, haue aboue one dish of flesh, for which also he shall then haue thre severall dishes of Sea fische, shall forfeite three pōndes for euery such offence or els suffer thre moneths imprisonment. And euery person with-

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in whose house any such offence shall be done, & being privie or knowing thereof, and not effectually disclosing the same to some Justice Officer, having authoritie to punish the same, shall for everie offence forfeite ffortie shillings, the third part of all which forfeitures shall be to the use of the Parish wherein the offence shall be, and to bee levied by the Churchwardens after any condempnation in that behalfe.

Licence
to eatc flesh

The licence for eating of flethe, to be given to any person for notorious sickness, by the Bishop of the Dioces, or by the Parson, Vicar, or Curate of the Parish, ought to be registred (if that sickness shall continue above eight dayes, after such licens granted) in the church booke with the knowledge of one of the Churchwardens there: and the partie licensed shall give iiii. d. to the Curate for the entry thereof.

5. Eliz.
cap. 5.

8 In everie parish, the Churchwardens with sixe other parishioners (to be required by the Churchwardens) shall yearly in one of the holidays in Easter weeke, and at everie other time when it shal be nedefull, take and asseesse everie person

person hauing the possession of any lands
or tythes within the Parish, to pay such
summes of money as they shall thinke
meete, according to the quantitie of such
their lands or tythes. And if any such
person denie to paie the same, or doe
not pay the same (within fourteene daies
next after request thereof made by the
Churchwardens, or one of them) then
such person shall forfeite for euerie time
fue shillings, which (together with the
summe assessed) shall be leuied by di-
stresse of the goods and cattels of such
person, to be taken by the Church-
wardens, or one of them, the same distress
to be ordered and sold, as distresses ta-
ken for amerciements in any Rectory.
And as well the said summes as penal-
ties (if any of them be so leuied) shall bee
yearly by the Churchwardens, or one of
them, for the time being, delivered by
Billes indented to two honest and sub-
stantiall persons of the Parish which
shall be elected and appointed by the
Churchwardens, and shall be named,
The Distributors of the prouision for
the destruction of noisome foule and
vermine. And if the saide Churchwar-
dens,

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dens, five persons, or Distributors; or any of them, shall refuse; or make default in the execution of anye parte of this act; contrarie to the forme thereof, then such offender. shall forfait for euery default five pounds, the one moettie to the Queene; the other to him or them (vssing tillage yearely within the same shire) that will sue therfore in anye court of record.

For the rest of the office of the churchwardens, concerning this matter, see afterward in the dutie of these Distributors. See also in Constables, Art. 25. for the galement to be leuied by churchwardens.

THE OFFICE OF THE

Superiours, Surueyors, or orderers of the workes for amending of the highwaies.

Vpon the five dayes appointed for working in the High waies in such sort as is before declared in the

the first Article of the Churchwardens office, euerie person for euerie Plough land in tillage; or Pasture that hee or they shall occupie in the same Parish, and euerie other person keeping there a draught or plough, shall finde and send, at euerie day and place to be appointed for the amending of the waies in the parish as is aforesaid; one waine or Carre, furnished after the custome of the countrie, with Oren, Hoxles, or other cattell, and all other necessities, mete to carrie thinges convenient for that purpose, and also two able men with the same, vpon paine of euery draught making default Ten shillings. And euerie other boroughholder, and also euerie cotager and labourer of that parish, able to labour, and being no hyred seruant by the yere, shall by them selues, or one sufficient labourer for euerie of them, vpon euery of the said fixe daies, worke and trauell in the amendment of the said highwaies, vpon paine of euerie person making default to lose for euerie day twelue pence. And if the cariages of the parish or any of them shall not be thought needfull
by

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by the Superuisors to be occupied by any of the said dates, that then enery such person that shoulde haue sene any such cariage, shall sende to the saide woꝝke for euery cariage so spared two able men ther to laboure for that day, vpon paine to lose for enery man not so sent to the saide woꝝke twelue pence. And enery person and cariage aboue saide, shall haue and bring with them such Shouels, Spades, Pickes, Mattocks, and other toles and instruments as they doe make their stone Ditches and fences withall, and such as be necessarie for their said woꝝke. And all the saide persons and carriages shall be and keepe their woꝝkes, as they shall be appointed by the saide Superuisors, or on of them eight houers of euery of the said dates, vnlesse they shall be otherwise licensed by the said Superuisors, or one of them.

From henceforth it shall and may be lawfull to all and singular Superuisors, and Superuisors and orderers of the woꝝkes for the time being, for the amendment of the said highwaies thereunto elected and appointed, according

to the statute made in the seconde and thirde yere of King Philip and Quene Marie, for the better reparation and amendment of the highwaies within their severall parishes & limits where they shall be so made Supervisors (if it shall be so to them thought necessarie) to take and carrie awaie of the rubbish or smalest broken stones of any Quarrie, or Quarries lying or being within the parish where they shall be Supervisors without licence, controlement or impeachment of the owners or owener, so much as by their discretion shall be deemed and iudged necessarie: to the amendment of the saide waies. And that for default of any such Quarry or quarries, it shall and may be lawfull to everie such Supervisor, or Supervisors, for the vse afore saide, in the severall ground of any person or persons, beeing within the parish, and limits where they shall be Supervisors, and nigh adioyning to the way or waies wherein such reparations shall be thought necessarie to be made, and wherein gravell, sand, or sinder is likely to be founde, to digge or cause to be digged, for gravell, sand, or sinder

finder, and likewise to gather stones lieng vpon any lands or groundes within the parishe, and meete to be bled to such seruice and purpose, and thereof to take and carrie away so much as by discretion of the said Superuisors shall be thought necessarie to be employed in the amendment of the said highwates. Provided alwaies that it shall not be lawefull to any such Superuisor, or Superuisors, by vertue of this act, to cause any rubbish to be digged out of any Quarrie or Quarries, but onely shall extend to such rubbish as shall be found there ready digged by the owner or owners of the said quarrie or quarries, or otherwise by his or their licence and commandement, nor shall not extend to giue authoritie to any Superuisor or Superuisors to digge, or cause to be digged, any grauell, sande, or sinder in the house, garden, or chard, or medowe, if any person or persons, nor that it shall be lawefull by this act to any such Superuisor or superuisors to cause any more pitts to be digged for grauell in any senerall and inclosed ground then one onely, and that the same pit or hole so digged for grauell
as

Borholders, Tithingmen, &c. 61

as is aforesaide, shall not by anye way be in bzeadth or length aboue ten yards at the most. And that euerie such Supervisor as shall cause anye such pit to be made, and digged for grauell, sande, or sinder, as is aforesaide, shall within one moneth next after anye such digging or pit made, cause the same to be filled, and stopped vp with earth, at the cost and charges of the parishioners, vpon paine to forfait to the owner and owners of the soyle, wherein any such pit shal be made and digged, for euerie defaulte, fine markes.

Eli. 13. From henceforth, euerie such Supervisor and Supervisors, as is aforesaide shall by force of his act, within the parish or limits where he or they shall be supervisors, haue full power and authoritie to turne any such water course, or spring of water, being in any of the said highwaies, into any ditch or ditches of the seuerall ground or soile of anye person or persons whatsoever next adioining to the saide waies, in such maner and forme as by the discretions of the said Supervisors shall be thought meetest and conuenient.

Such

Such Superaisors, or Superaisors for the time being, within one moneth next after default or offence made, done, or committed by any person, or persons, contrarie to the provision, purport, and true meaning of the statute made (concerning highwaies,) in the seconde and third yeare of King Philip, and Quene Marie, shall present euery such default or offence to the next Justice of Peace, for the time being, vpon paine to forfait for euery such default and offence, in such sort not by them presented *l. s.*

Euery person or persons (except such as shall dwell in the Citie of London) that shall be assessed to the payment of any Subsidie to her Maiestie to *fine l.* in goods, or *fortie shillings* in lands, or aboue during all such time as hee shall stande so assessed and not altered, and being none of the parties chargeable for the amendment of highwaies by anye former lawe, but as a cottager, shall find two able men yereley, to labour in the highwaies, at such daies and times, as by the severall statutes thereof are limited and appointed. And euery other that hereafter shall occupie a ploughed
land

land in tillage or pasture, lying and being in several Parishes, shall be chargeable to the making of the waies, within the Parish where he dwelleth, as farre forth and in such maner and forme, as any person hauing a plough land, in any one parish, is or ought to be chargeable; by reason of the said former statutes, or either of them. And euerye person or persons, occupying and keeping in his or their handes or possessions, several or diuers plough landes, as aforesaid in several or diuers towne, shall be charged to find in ech towne or parish (where the plough landes being in his occupying doe lie) one Cart, Mayne, Tumbrell, dung Pot, or Cart, Sleades, Carres, or Draggies, furnished for the amondment and repaying of the highwaies within the several Parishes where the saide plough landes do lie, in such maner and forme, as if he or they were a Parishioner dwelling within the parishes where the same several plough landes doe lie;

Euery person or persons, that shall not repaire, ditch, or scowze any hayes fences, ditches, or hedges, adioyning to anye high way or common faring way.

or shall not cut downe or keepe letve all
 Trees or Bushes, growing in or next
 adioyning to any the saide wayes ac-
 cording to the true intent & meaning of the
 Act made in the fift yere of the Quenes
 Maiesties raigne that now is, for euery
 offence committed therein, contrarie to
 the true intent thereof, shall forfeit and
 lose for euery default ten shillings. And
 all and euery person and persons that
 shall occupy any lands adioyning to the
 saide ground, so adioyning to any such
 highway, or comon faying way, where
 any ditching or scouring should or ought
 to bee as aforesaide, shall from time to
 time, as neede shall require, ditche or
 scowze in his and their ground so adioy-
 ning, whereby the water conueied from
 the saide highway, or comon faying
 way, ouer the grounde next adioyning,
 may haue passage ouer the said ground,
 so next adioyning to that ground, vpon
 paine of forfeiture for euery time so of-
 fending, for euerye roode not so ditched
 and scowzed xii, d.

No person or persons hauing anye
 ground by lease or otherwise, adioyning
 to any high waye, or common faying
 way,

way, leading to any Market Towne, shall cast or scowze any ditch, & throwe or laye the soyle thereof into the highway, and suffer it to lie there by the space of six moneths to the annoyce of the said highway, or common faying way, vpon paine of forfaiture for euery loade of soyle so cast into the highway, or common faying way, in ditching or scowzing xii. d. And where any heretofore haue bene so cast into the highway, or common faying way, that there is a banke betweene the sayde way and the ditch, it shall be lawfull for the Surreyors and worke-men, by the Lawes and Statutes of this Realme, appointed for the amendment of the sayde wayes, to make sluces or other diuices by their discretions, to conuey the water out of the said way into the dicche: any law, right, interest, custome, or vbiage to the contrary notwithstanding.

Euery penalty, summe or summes of money forfeited for any cause within this statute, shall be leuied in euery parish by the surreyors of the wales within that parish for the time being, by distresse, and sale of distresse, in manner &

for me as fines or amerciamentes in
 lretes, haue bene vſed, and the money ſe
 leuted, to be employed vpon the high
 way, or common ſairing way where
 the offence was committed. And if the
 Surueyors ſhall not or will not leuie &
 imploy the ſame within one yeere after
 the offence ſo committed, that then the
 ſaide ſumme or ſummes, forfeiture or
 forfeitures, ſhall be leuied in forme a-
 ſoreſaide by the Conſtables or Church-
 wardens of the Towne or pariſh wher
 the worke ought to be done in the high
 way (as aforeſaide) and that he or they
 ſo leuying any of the ſaid penalties or
 forfeitures, ſhall make and yeld ſuch
 account as is appointed in the befoze
 recited Statutes, or either of them,

THE OFFICE OF THE
 Distributers of the prouiſion for the
 deſtruction of noyſome foule
 and Vermin.

THEſe Distributors beeing ſo cho- 8. Eliz.
 ſen, and hauing money (as is be- cap. 15.
 fore ſhewed in the eight Article of & 14. E.
 the cap. 11.

the Church Wardens Office) shall giue
and paie of the same money so to them
deliuered to euerye Person that shall
bring to them any heads of old Crows
Thougs, Dies, or Rookes, taken with
in the severall parishes, for the heads of
euery three of them a peny: and for the
heades of euery sixe yonge Crows,
Thougs, Dies, or Rookes taken, as is
aforesaide a peny, and for euery sixe
egges of any of them unbroke a pe-
nie: and lykelike for euery xij. Starres
heads a peny. All which said heads and
egges, the said Distributors in some co-
nvenient place shall keepe, and shall eu-
ry moneth at the least bring forth the
same before the saide Church Wardens,
and taxors or three of them, and then
and thereto them shall make a true ac-
count in wyting, what mony they haue
laide forth and paide for such heads and
egges, and for the heades of such other
rauenous birdes and vermine, as are
hereafter in this act mentioned. That
is to say: for euery head of Person,
Haukes, Furshkite, Polokite, Bullard
Schadge, Carmicrant, or Ringtaile two
pence. and for euery two egges of them

a penie : for euerie Iron or Sprayes head, iij. d. for the head of euerie Wood-wall, Pie, Jay Raue, or Kite, a penie: for the head of euerie birde, which is called the Kinges Fisher, a penie: for the head of euerie Bulfinch, or other bird that deuoureth the blouth of fruite, one penie: for the heades of euerie jore, or Grey, twelve pence: and for the head of euerie Fichewe, Polcat, Weasel, Store, Faire, Wadge, or Wilderate, a penie: for the heades of euerie Otter, or Hedgehogge, ij. d. for the heades of euerie three Rats, or twelue Mice, a penie: for the heades of euerie Holdwarpe, or Want an halfe peny: for the heades of euerie which birdes and vermine last mentioned, the last distributores shall likewise pay and giue to the byrger of them, for euerie head kild and taken within their seuerall parish, as before is limited, and shall keepe the same to bee shewed forth vpon their account in maner and forme as is aforesaid. All which saide heads and egges shall be forthwith after such account made in the presence of the said Churchwardens, & Warors or three of them, burned, consumed,

or cut in sunder. And if vpon any account to be made, in the ende and determination of the Office of anye such distributors, it shall appeare that any summe of money is remaining in the handes of the saide Distributers, or any of them: then the same shall be by Bill indented, as is alsoresayde, deliuered ouer to such persons as bee or shall bee elected to the same Office, for the yere next following, by them to bee distributed as is alsoresaide. This shall not in any wise extende, to giue anye libertie or authoritie to anye person or persons, to vse or exercise any meanes or engine, for the destruction of Crows, or Kowes, Choughes, or other the vermine alsoresalpe in any place or places, to the disturbance, let, or destruction of the building or breeding of anye kinde of Hawkes, Herons, Egryttes, Pau-pers, Swannes, or Shouelers: or to the hurte and destruction of anye Doves, Dovehouses, Dære, or Warren of Conies, nor extende to giue or appoint anye summe or summes of mon ey to be giuen payde, or distributed, to anye person or persons, for the head or heades of anye

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Bussarde, Kingtaile, Herne, Wolcate,
Fitchew, or Stofe, taken in any Parke,
Warren or grounde employed to the
maintenance of any game of Conies, or
to any Stares take:: in douehouses, nor
to the killing or bringing the heade of
any Wyte or Raven, killed in any Cittie
or Towne Corporate, or within two
miles of the same.

THE OFFICE AND DV-
tie of the Collectors, and ouer-
seers for the poore, settled
in their abiding
places.

The Justices of Peace in all the 14. Eli.
shires of England and Wales, and 5. & 18.
the Maiors, Bailieues Shiriffes, Eli. cap
and other Officers of the Cities, 4.
Boroughes, and Franchises whereof
they be Justices of Peace, having ap-
pointed within the limits of their seue-
ral authorities conuenient abiding pla-
ces for settling of the poore people, and
having also assessed the inhabitantes
within the same limittes towards a
weekly

weekly contribution for the reliefe of the same poore people, ought then also to appoint collectors and Ouerseers for one whole yeare: which saide collectors shall gather the said weekly contribution, and shall make deliuery of so much thereof to the saide poore people, as the saide Iustices, Maiors, Sherifes, Baylives, and other Officers shall appointe them. And if the said Ouerseers shall refuse to be ouerseers, then euerie of them so offending shall forsaite ten shillings for euerie such default. And if any person so appointed to be Collector, shall refuse the said Office, or shall (after hee hath agreed to it) neglect the same, hee shall lose for euerie offence to the vse of the poore of the same place, xl. shillings.

The said Collectors, and euerie of them, so to be chosen, as is aforesaide, shall make their iust account halfe yeerely of their said collection and gathering to two Iustices of the Peace, dwelling next the saide abiding place or places, not being within any Citie, Borough, or towne corporate: or to the Maiors, or other chiefe Officers of such Cittyes or Townes corporate, and when they

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go out of their Offices, they shal deliver
or cause to be delivered forthwith up-
on their accounts, all such surplusages
of their collection and gatheringe, as
shall then remaine undistributed to bee
ordered by the said Iustices, Mayors,
Baillifes, or other head Officers, upon
the paines of ten pounds. If anye such
Collector shall refuse to make his saide
account, or neglect the same by the space
of fourtene daies after request to him
therefore made: then the sayde two Ju-
stices, or one of them, maye commit the
sayd Collector to the next Gaile in the
said Countie, there to remaine with-
out baile or mainprise, til he have made
his said account, and immediat paye-
ment, and deliverie of all such Surplu-
sages as he hath receiued.

No person or persons hauing charge
of anye voyage in passing from the
Realme of Ireland, or from the Ile of
Man into this Realme of England, doe
wittingly or willingly transport, bring,
carrie, or conuey, or suffer to be trans-
ported, brought, carried, or conueighed,
in anye shippe, picarde, vessell, boate, or
boates, from and out of the said Realme,
or

of Ireland, or from, or out of the said
 Isle of Man, into the Realme of Eng-
 lande, or Wales, or any part thereof,
 any Wagabonde, Rogue, or Beggar or
 any such as shall bee forced, or very like
 to liue by begging within the Realmes
 of Englande or Wales, being bozne in
 the Realme of Irelande, or in the
 sayde Isle of Man, on paine of euery
 such person or persons, so bringing,
 transporting, carrying, and conueigh-
 ing, either suffering to bee brought,
 transported, carred, and conueyghed
 in manner and forme aforesayde, to
 forfeite and loose for euery such Waga-
 bonde, Rogue, Begger, or other per-
 son, which shall bee forced, or like to
 liue by begging within this Realme
 of England or Wales, being transpor-
 ted, and set on land in any part of Eng-
 land or of Wales, twentie Shillinges of
 lawfull English money, to the vse of the
 poore of the same parishe in which they
 were set on lande, to bee leuied by the
 Collectors of the same poore for the time
 being, by seisure & selling of any of the
 goods and cattels of the same person
 which shall so bring, transport, carrie,
 or con-

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or conuay any such Rogue, Vagabound,
or beggar, or other person which shal
bee forced, or like to liue by begging,
within the Realme of Englande or
of Wales, to the value of the forfaiture.

THE OFFICE OF
the Collectors, and Go-
uernors of the poore.

In euery Citie and Towne corporate
within this Realme, a competent
store and stocke of Wooll, Hempe,
Flaxe, Iron, or other stuffe by the
appointment of the Maior, Bailieues,
Justices, or other head Officers, hauing
rule in the said Cities, or Townes cor-
porate (of themselves, and other in-
habitants within their seuerall autho-
rities, to be taxed, leuied, and gathered)
shall be prouided. And that likewise in
euerie other market Towne or other
place, within any Countrey of this
Realme, whereto the Justices of the
Peace, or greater parte of them, in their
generall

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cap. 3.

generall Sessions yeerly next after Easter, within euerie limit shall be thought met and conuentent (a like competent store and stock of Wool, Flax, Yarn, or other stuffe, as the countrie is moste meete for, by appointment and order of the said Iustices of peace, or the greater part of them at their generall Sessions, (of all the inhabitantes within their seuerall authorities to be taxed, leuied, and gathered) shall be provided. The said stores and stockes, in such Citie & Townes corporate, to be committed to the hands and custodie of such persons, as shall by the Mayor, Bailieues, Iustices, or other head Officers, hauing authoritie in euerie such Citie or Towne corporate be appointed: and in other Townes and places, to such persons as to the said Iustices of peace, or the greater part of them in their saide generall Sessions of the peace in their seuerall Counties, shall be by them appointed. Which said persons so appointed, as aforesaide, shall haue power and authoritie (by the aduise of them who doe appoint them, to dispose, order, and giue rules, for the diuision and manner of working

working of the said stocks and stokes;
 who shall from henceforth bee called,
 the Collectors and Gouvernours of the
 poore to the intent euery such poore and
 needy person, olde or yong, able to doe
 any worke, standing in necessitie of re-
 liefe, shall not for want of worke goe a-
 broade, either begging, or committing
 pilferinges, or other misdemeanour, ly-
 ning in idlenesse: which Collectours
 and Gouvernours of the poore, from time
 to time (as cause requireth) shall and
 may of the same stocks and stoke, deli-
 uer to such poore and needie person, a
 competent portion, to bee wrought in-
 to yerne or other matter, within such
 time, and in such sorte, as in their discre-
 tions shall bee from time to time limi-
 ted and prefixed, and the same after-
 wardes being wrought, to be from time
 to time deliuered to the said Collectors
 and gouernours of the poore: for which
 they shall make payment to them that
 worke the same, according to the desert
 of the worke: and shall of new deliuer
 more to bee wrought, & so from time to
 time to deliuer stiffe unwrought, and
 to receiue the same againe wrought, as
 off

off, as cause shal require: which Hempe,
Woolle, flaxe, or other stoffe, wrought
from time to time shalbe sold by the said
collectors, and gouernours of the poore,
eithet at some Market, or other place, &
at such time as they shall thinke meete,
and with the money comming of the
sale, to buy more stoffe, in such wise as
the stockes or store shall not be decayed
in valne. And if hereafter any such persō
able to do any such worke, shall refuse to
work, or shal go abroad begging, or liue
idely, or taking such worke shall spoyle
or imbesell the same, in such wise, that
(after monition giuen) the Minister or
Church-wardens of the parish, and col-
lectors and Gouernours of the poore, or
the moze parte of them, shall thinke the
same person not meete to haue any more
worke deliuered out of the same store, or
stocke, that then vpon certificate made
vnder their handes, and brought by one
of the saide Collectors and Gouernours
of the poore, to the handes of such per-
son or persons as shall in that Countie
haue the ouersight and gouernment of
one of the houses of correction, in con-
uenient apparell meete for such a bodie
to

to weare, hee, she or they, from such
 towne, place or Parish shall be receiued
 into such houses of Correction, there to
 bee straightly kept, as well in diet, as
 in worke, and also punished from time
 to time, as to the said persons, hauing the
 ouersight and gouernment of the saide
 house of Correction shall be appointed,
 as hereafter is declared. All which
 stockes and stores, shall be prouided and
 deliuered to the hands of the sayde Col-
 lectors and gouernours of the poore, at
 all times hereafter as occasion shal
 serue.

THE DVTIES OF THE

Censors (or Wardens) and of the

Collectors for the hou-

ses of correc-
 tion.

Within euerie countie of this
 Realme, one, two, or more
 Abiding houses, or places
 conuenient in some Market
 Towne, or corporate Towne, or other
 place or places, by purchase, lease, buil-
 ding

Collectors for the houses, &c. 79
being or otherwise by the appointment
and order of the Iustices of Peace, or the
more parte of them in their generall
Sessions (of the inhabitants wythin
their senerall authorities to bee taxed,
sented, and gathered) shall be provided,
and called the house or houses of Cor-
rection: and also stocke and store, and
implements, to bee in like sort also pro-
vided, for setting on worke and pnnish-
ing, not only of those, which by the Col-
lectors and Gouvernors of the Poore, for
raunes aforesaid to the saide Houses of
Correction, shall be brought, but also of
such as bee, or shall be inhabiting in no
parish, or be, or shall be taken as Rogues
or once punished as Rogues, and by
reason of the vncertaintie of their birth,
or of their dwelling by the space of three
yeres, or for any other cause, ought to
bee abiding and kept within the same
Countie: which saide House, or houses
of Correction, with stockes, stores, and
implements appoynted for such Houses
of Correction, shall be provided in ene-
rie Countie, withi[n] such time as to the
Iustices of Peace, or the more part of
them, in their saide generall Sessions of

80 The duties of the Censors & the Peace in euerie Countie, within their senerall iurisdictiones, shall bee thought meete and conuenient, so as it extende not two yerres after taxation in such Countie for that purpose made, or else the money lentied to be repayed: and that euerie person refusing to pay, or not paying such summe of money towards the making, obtaining, and furnishing of the saide houses of Correction, and buying of stocks and stozes, and for the releafe and sustentation of such persons as shall be appointed to the said houses of Correction, as hypon them or any of them, shall be (by order aforesaid) taxed, and at such time (as by the same order shall be appointed) shall for euerie default forfeite double so much as hee or they shall be so taxed vnto. And the saide Iustices of Peace, or the moze parte of them in their saide generall Sessions in euerie Countie, shall and may appoint from time to time, persons which shall be Overseers of every such house of Correction, which saide persons shall be called the Censors and Wardens of the houses of Correction, and shall haue the rule, gouernement, and order of such houses,

houses of Correction, according to such orders as by the said Justices of Peace, or the moze parte of them, in their generall Sessions in euerie Countie, shall be prescribed. And the saide Justices shall also appoint others for the gathering of such money as shall be taxed vppon anie person or persons within their seuerall iurisdiccions, towards the maintenance of the saide houses of Correction, which shalbe called the Collectors for the houses of Correction, and if anie person or persons refuse to bee Collector and Gouernour of the House, or Censur & Warden, or Collector of or for anie the houses of Correction, euerie person so refusing, shall forfeite and lose the summe of five pound. And all and singular person and persons, appointed by the authoritie of this acte, to bee anie Collector and Gouernour of the House, or Censur and Warden, or Collector for any the houses of Correction in anie Countie, Cittie, Towne corporate, or other place in this Realme, shall as often as they or any of them shall bee called thereto by the persons hauing the appointement of them, make a iust account of all suche summe

87. The duties of the Censors, &c.

or summes of money or other things, as they or any of them haue gathered, had, or raised in commodities, within their generall collections or charge: and if any such Collector or, Gouvernour of the poore, Collector, Censor, or Warden of or for the houses of Correction, refuse to make such account, or neglect the same, by the space of xiiii. dayes next after request therefore to him made, or shall not within one weeke after suche account rendered: y^e he and paye the whole arrearages, which hee or they (vppon such account) shall be found in, to such person or persons, as they shall be appointed vnto, by them before whome their saide account shall be taken: that then the said Collector, gouverneur, Censor or Warden to bee committed to anye vsuall Gaole, within the saide Countie, there to remaine without baile or maineprie, till he haue made his account and paiement of such arrearages as hee hath receiued: vppon the making of which account, it shall and may be lawfull to such persons as haue the appointment of the sayde Collectors and Gouvernours of the poore, Censors, Wardens, and Collectors of the

the

Collectors for the houses, &c. 83
the houses of Correction (euerie of them
within their authoritie) to allow, as well
such reasonable allowance to euerie the
said Collectors and Governours of the
Houze, Censozs, Wardens, and Collec-
tors of the houses of Correction, for such
money as they or any of them haue im-
ployed or disbursed in the execution of
the said seuerall offices, as also such rea-
sonable fees and wages for their paines
taken in that behalfe, as to them
shall be thought conuenient
and reasonable.

FINIS.



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University of
California
at Berkeley
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A retoygnante

From reports you send
that not much of the
gold is to be found

